AN ACT

of London

OF

Common Councell,

Concerning

ORPHANS.

Printed by *James Flesher*, Printer to the Honourable City of LONDON, 1663.

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BRITISH MUSEUM

Printed by James Flesher, Printer to the Honourable City of
LONDON, 1693.

Commune Concilium tentum in *Guildhalda* civitatis *London*, decimo tertio die *Octobris*, anno regni *Edwardi* sexti Dei gratia *Angliæ*, *Franciæ*, & *Hiberniæ* Regis, fidei defensor', & in terra Ecclesiæ *Anglicanæ* & *Hiberniæ* supremi capit' quinto, coram *Andrea Judde* mil' Majore civit' prædict', Recordator', *Laxton*, *Bowes*, *Hill*, *Jervis*, *White*, *Turk*, *Hinde*, *Lyon*, *Kirton*, *Offley*, *Aylyffe*, *Wyther*, *Huett*, *Robins*, & *Lambard* Vic' ac majore parte Commoniar' &c. sic ordinat' fuit &c.

FOr as much as the City of London is of late years soye

decayed, And daily is like to decay more and more, a great cause and occasion whereof, among other, hath been, for that free-mens children, Orphans of the said City sometimes in the lives of their parents, and sometimes after their decease, being left wealthy and rich, do bestow themselves in ungodly marriages for the most part in their young age, at their own wills and pleasures, without the consent, and against the minds of their friends, saying and affirming, that the Law and customs of the said City giveth

yeth

beth unto them their portions, whether they marry by the assent of their friends or not, and so doe daily cast away and undoe themselves, in trust to have their said portions whether their parents or friends will or not, and thereby do bestow themselves upon simple and light persons, having neither cunning, knowledge, substance, ne good or honest conditions: by reason whereof such Orphans inordinately and insolently doe spend and consume their patrimony and portions in short time, not onely to the undoing of

themselves, and to the great
ignominy and shame of
their friends; but also to
the great slander of the
Lord Mayor and Aldermen
of this City, who being re-
puted and taken as fathers
and protectors of the same
Orphans, and to the great
loss and hinderance of the
said City.

And for as much as the
said Lord Mayor & Citizens
have by their laws and cu-
stomes, power and authori-
ty to make laws and ordi-
nances by their Common
Councell for redress of the
same: It is therefore now to

the intent to reduce the same to a more godly, more profitable & decent order and conformity, by the said Lord Maior & Commonalty & Citizens in this present Common Council assembled, & by the authority of the same Common Council ordained, enacted, authorised, and established for a Law perpetually to be observed and kept within the said City, That if any Orphan or child of any free-man or free-woman of the said City, do offend in any the things hereafter expressed, and be thereof lawfully convicted afore

the

the Lord Mayor and the Aldermen, or elsewhere, that then they and every of them, shall to all intents, purposes, constructions and meanings, be unabled and barred to demand and claim their portion or portions, and also shall lose and forgoe, and be barred for ever of all and every his, her or their part or parts and portions, to him or them belonging, by and after the death of his said father or mother, of the goods and chattels of every such father and mother, by reason of any law, custome, ordi-

nance,

nance, vsage, franchise, pri-
viledge, act of Common
Counsell, or other things
heretofore had or vsed with-
in the said City, the same
Law, custome, ordinance,
or other thing whatsoever
heretofore had, made, ordai-
ned, allowed and put in ure
to the contrary in any wise
notwithstanding: That is
to wit, First, If any man
child or woman child shall
maliciously go about or at-
tempt to doe or cause to be
done any bodily harm, death
or destruction to his or their
father or mother, or if any
man child do hereafter mar-

ry

ry or contract marriage in the life of his father or mother by whom he will claim any portion, under the age of one & twenty years, without the consent of his said father or mother by whom he will claim any portion, or if any woman child doe hereafter marry or contract marriage in the life of her father or other parents by whom shee shall claim any portion, before the age of eighteen years, without the consent of her father or such other parent by whom shee shall or may claim any portion, or if any man child be

a thief, or a felon, or common whorehaunter, or common dicer or common player at unlawfull games notoriously known, or if any woman child shall hereafter commit any whoredome or be a common picker, that then every of the persons so offending shall be barred & excluded to have or demand any portion: Provided alwaies that it shall be lawfull for the father or mother of any such child or children to give and bequeath in legacy to such child or children as much as the portion of such child so offending shall

amount

amount unto by the custom of the said City, and then such child thereby to be enabled to have and demand the same as portion, this act notwithstanding; so that the same legacy be contained in his or their testament in writting and not otherwise: and that then and from thence forth his said child or children to be admitted and restored to claim such legacy or legacies in such sort, manner & form, as if there had been never such offence done or committed by any such child.

Item, it is further ordained,

ned, enacted, authorised and established by authority aforesaid, that if any woman child being an Orphan & under the age of xxi. years, at any time hereafter after the death of her father doe ceasure or contract her selfe in marriage, or else according to the Ecclesiasticall lawes of this Realm do perfectly solemnize or consummate marriage with any free-man of this City, the consent & agreement of the Lord Mayor and Aldermen of the said City of London for the time being, not obtained or had, that then for every

such default & offence com-
mitted or done by any Or-
phan or Orphans of the
said city, the same being con-
fessed or sufficiently proved
by two witnesses or other-
wise before the Lord Maior
& Aldermen of this said Ci-
ty of London for the time
being at & in a Court of Al-
dermen, she or they that so
happen to behave her or
themselves as is aforesaid,
shall forfeit and forgoe and
lose xii. d. of and for every
pound so due or to be due un-
to her or them by reason of
any such Orphanage: The
summe of xii. d. of every
pound

pound to goe or be to the use of the Chamber of the said City, according to the ancient custome before this time in such case used. And if the said contract or marriage of the said Orphan or orphans be made with any forreine, not being free of this City at the time of any such contract or marriage made, that then the said Orphan or Orphans & every of them shall forfeit & lose three shillings of every pound due or to be due unto her or them by vertue of any Orphanage or custome, had or used within the said City, the one shil-

ling of the said three shil-
lings of every pound to goe
or be to the use of the
Chamber of the said City,
in such manner and form as
is aforesaid, and the other
two shillings so forfeited of
every pound to go to the use
of such other Orphan or
Orphans as then shall re-
main unmarried, or else for
default of such Orphans or
Orphan to remain to the
next of the kindred of the
Orphan so offending.

Also be it further enacted,
ordained and established by
authority aforesaid, for and
in eschewing of divers vari-
ances,

ances, contentions & suites that daily heretofore have and hereafter may ensue, That if any free-mans child man or woman fortune to be married hereafter in the life time of his or their father by his consent, and not fully advanced of & to his or her full part or portion of his or her said fathers goods as he shall be worth at the time his decease, according to the ancient laws & customes of this said City, that then every such free-mans child so being married in the life time of his or her father shal be to all intents & purposes

disabled to demand any further part or portion of his or her fathers goods after the decease of his or their father, but shall be adjudged, reputed and taken to be fully advanced, according as the law & custome of this City hath been long time out of mind, except his or her said father doe mention certainly in his last Wil or testament, or by other Writing signed with his own proper name or mark, the certainty of the sum or sums of mony, goods and chattels, and the value of them, that the father gave or departed with-

all

all or otherwise assured, or hereafter shall give, pay or depart withall, or otherwise make assurance of unto him or her, before, at, or after the marriage of him or her, or otherwise in his life time for & towards their advancements in the name of his or her part or portion. And then every such Orphan or child which after the decease of his or her said father can bring forth the said testament or other writing signed or marked with their fathers hand or mark, wherein the certainty of such mony, goods or chat-

tals as they have or shall have received of their said father or by the same father assured by especialty, or otherwise, shall have as much of the ready mony, goods, chattals and debts of the said father as (with that which he or they shall have received towards their advancements in the life of their said father) shall make up a full childs part of his goods and chattels as he shall be worth at the time of his decease, the same to be demanded, asked and claimed, or sued for against the Executor or Executors, Administrator

nistrator or Administrators of the goods and chattels of the said father by Bill original, to be commenced in our Sovereign Lord the Kings Court holden in the utter Chamber of the Guildhall of the said City, before the the said Lord Maior and Aldermen of the same City for the time being: any law or custome heretofore made or used to the contrary notwithstanding: in which action no wager of law shall be admitted or allowed.

Provided alway, and it is further enacted, that if any free-mans son being of full

age, which shall hereafter be married with the consent of his father or any other person, being of full age, which shall hereafter marry any free-mans daughter, do at the time of the espousals, or any time after, confesse themselves by writing fully satisfied of his or their portion, or do otherwise acquit and discharge the father of such free-mans sonns or daughters of all their part and portion, due, or to be due by the law and custome of this City: that then every such person so confessing, acquitting, or otherwise discharging,

charging, shall be reputed & taken as fully advanced of his or thier full part and portion, and shall not be enabled to demand any further or greater part of the substance, goods and chattels, of his or her father: this law, or any other law or custome, heretofore had, made, or used to the contrary notwithstanding.

And further, for as much as it is thought very prejudicial and hurtfull to the fatherlesse children and Orphans, when the mother or mother in law, being Executrix of the last Will and testament

ment

ment of her late husband, by whom, & after whose death, the Orphans are entituled to an Orphanage, according to the laudable customes of this City, do divers times marry, or contract matrimony, some with forreiners and persons unknown, and some with free-men, or ever a just inventory of the goods, chattels, plate, jewels, ready mony of the testators, be by them brought in, by reason whereof many times they either for fear or affection of their husbands, or for some other sinister cause, do bring in very sulpitious

tious inventories, omitting therein, either ready money, plate, jewels, or debts, or some other thing or things, whereby some benefit should redound to the fatherlesse children, to the great losse & hinderance of the Orphans, & sometimes slander to the Lord Maior & Aldermen of this City, notwithstanding their great care and travail that they take for the good ordering and true answering of the said Orphans: It is therefore by like authority ordained, established and enacted, that if after the first day of November

next

next ensuing, any Widow, which is or shall be made Executrix of the testament and last will of her late husband being free-man, or shall take upon her the Administration of the goods and chattels of her late husband being a free-man, doe not upon her oath bring and exhibit, or cause to be brought in & exhibited, before the said Lord Mayor and Aldermen of this said City for the time being, at and in a Court of Aldermen, a just and perfect inventory to their knowledge of all the goods, chattels, plate

and

and jewels, ready money and debts as were her said husbands at the time of his death appraised according to the Law of the said City, before shee doe ensure her selfe in marriage or contract marriage, or else according to the Lawes of the Realme doe perfectly solemnize or consummate marriage with any person, before such time as aforesaid: That then every person so offending, shall forfeit and lose eight shillings of every pound of her portion of the goods of her late husband, due to her by the

laudable Customie of this said City, the same to goe to the use of such Orphan or Orphans as then shall be entituled to have or demande any Orphanage or Portion after the death of his or her late Father, the same to be demanded, asked, claymed, or sued for, against such Executrix or Administratrix by Bill original or Debt to be commenced in our Sovereign Lord the Kings Court, holden in the utter Chamber of the Guildhall of the said City, before the Lord Mayor and Aldermen

men of the ſame City for the time being, any Law, &c.

In which Action no Wager, &c.

FINIS.